

**HAMPSHIRE COUNTY COUNCIL
Officer Decision Record**

Decision Maker:	Jonathan Woods
Title:	Creation Order to record public footpath rights in the Parish of Colden Common

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1. The decision:

- 1.1** That the authority is given for a Creation Order, under Section 26 of the Highways Act 1980, to record public rights on a route at a junction with Highbridge Road, running parallel to Kiln Lane in Colden Common.
- 1.2** A plan showing the route of this proposal is attached.

2. Reason(s) for the decision:

- 2.1** The Creation Order is required to record footpath rights over a route created as part of a planning application (06/02412/FUL).
- 2.2** The Order will formalise the public's right to use the route and ensure that the route becomes a highway maintainable at public expense.

Legal framework for the decision

Section 26 Highways Act 1980

Compulsory powers for creation of footpaths [bridleways and restricted byways].

(1) Where it appears to a local authority...that there is need for a footpath [bridleway or restricted byway] over land in their area and they are satisfied that, having regard to—

(a)the extent to which the path or way would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of persons resident in the area, and

(b)the effect which the creation of the path or way would have on the rights of persons interested in the land, account being taken of the provisions as to compensation contained in section 28 below, it is expedient that the path or way should be created, the authority...may by order...create a footpath [bridleway or restricted byway] over the land.

3. Background

- 3.1** The hoggin path subject to this proposal was put in place following the condition of a planning application and has been in situ and used by the public for a significant period of time.
- 3.2** Hampshire County Council proposes to make an order now, as the legal process to formally dedicate the route was not carried out at the time the route was physically constructed and it is considered that progressing under Section 26 will resolve this matter more efficiently than seeking to enter into a voluntary agreement at this stage.

4. Consultation responses

- 4.1** There have been no objections to the proposal from the consultees.

- 5. Other options considered and rejected:** Not applicable.
- 6. Conflicts of interest:** Not applicable.
- 7. Dispensation granted by the Head of Paid Service:** Not applicable.
- 8. Supporting information:** None

Approved by: Jonathan Woods Strategic Manager

Date: 16 March 2023

On behalf of the Director Universal Services

Appendix A

Consultations with Other Bodies:

County Councillor Humby

Councillor Rob Humby was consulted on this proposal but made no comment.

Colden Common Parish Council

Colden Common Parish Council have been consulted on this proposal and were really pleased to hear that this is being progressed.

Winchester City Council

Winchester City Council have been consulted on this proposal but made no comment.

South Downs National Park Authority

SDNPA have been consulted on this proposal but made no comment.

The Open Spaces Society

The OSS have been consulted on this proposal but made no comment.

The Ramblers

The Ramblers were consulted and confirmed that they would welcome this addition to the network.

Appendix B**IMPACT ASSESSMENTS:****1. Equality Duty**

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 1) Due regard in this context involves having due regard in particular to:
 - a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
 - b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
 - c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

1.2. Equalities Impact Assessment:

In determining this application, the County Council is exercising its functions as the highway authority and as such must give due consideration to the statutory tests set out in s26 Highways Act 1980. These statutory tests have to be considered in conjunction with the over-arching duty of s149 Equalities Act.

2. Impact on Crime and Disorder:

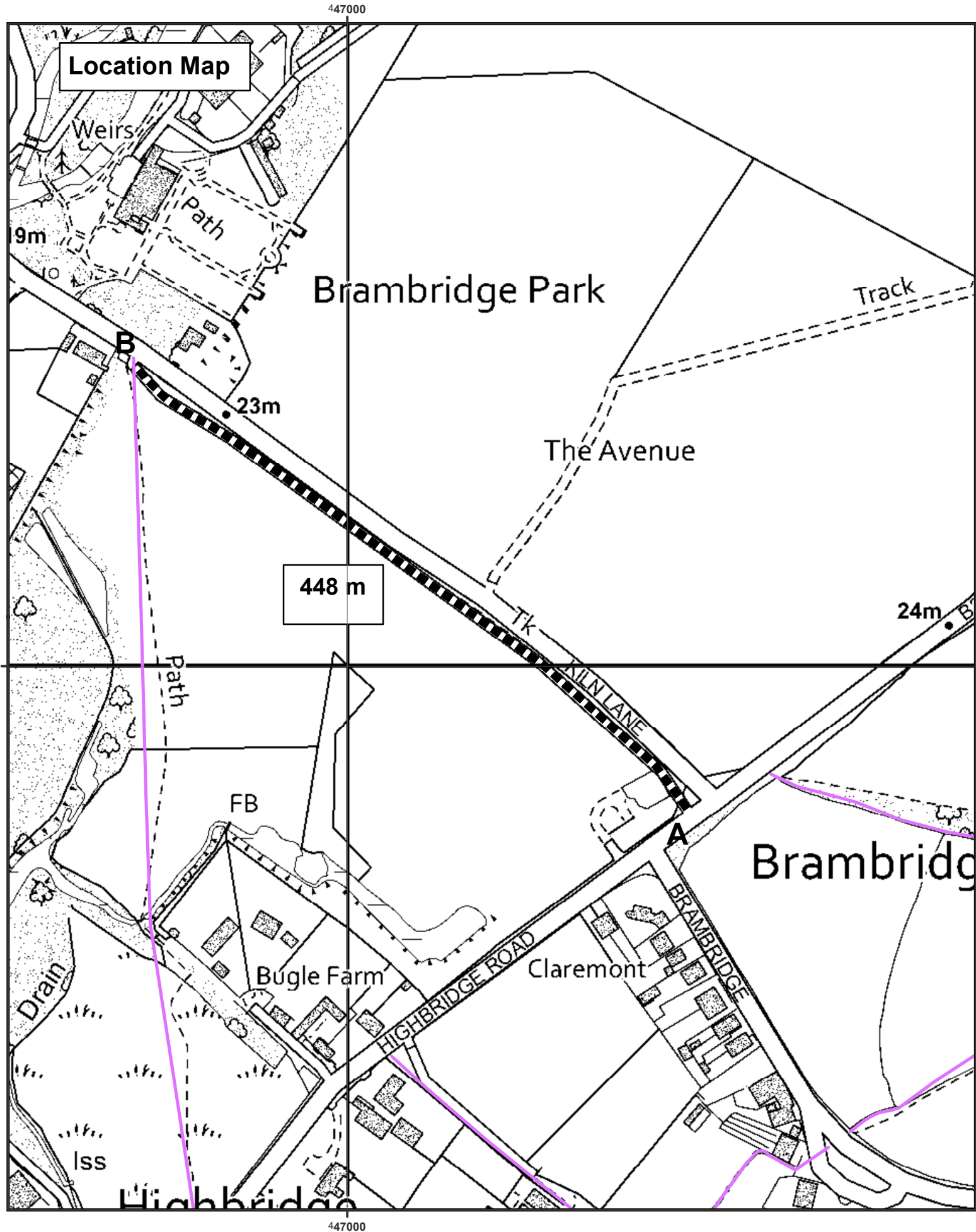
2.1. It is unlikely that this proposal will have any impact on reported crime in this area.

3. Climate Change:

- a) **How does what is being proposed impact on our carbon footprint / energy consumption?**

No impact identified.

- b) Environmental:
No impact identified.



Creation Order for Public
Footpath in Colden Common



Hampshire
County Council

Countryside Access Team, Universal Services
The Castle, Winchester, SO23 8UL

LEGEND 1:3,000

- Footpath
- Footpath to be Added

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